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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,405	02/11/2005	Mark Thomas Johnson	NL 020743	4843

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EXAMINER

HASAN, MOHAMMED A

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6/1

Office Action Summary	Application No. 10/524,405	Applicant(s) JOHNSON, MARK THOMAS	
	Examiner Mohammed Hasan	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt of acknowledged of papers submitted under 35 U.S.C. 119 (a) – (d), which papers have placed in the file.

Oath/Declaration

2. Oath and declaration filed on 2/11/2005 is accepted.

Information Disclosure Statement

3. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 10/17/2005 have all been considered and made of record (note the attached copy of form PTO – 1449).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 10, applicant does not disclose the "a computer program product directly loaded in to the internal memory of a digital computer", however it is mentioned in the claim.

In claim 11, applicant does not disclose the "a computer program product stored on a computer readable storage medium", however it is mentioned in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovacs et al (4,916,470).

Regarding claim 1, Kovacs et al discloses (refer to figure 4) a display device having a plurality of independently addressable pixels, wherein pixels comprise: a first

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substrate (31), a second substrate (33), the first substrate (31) and the second substrate (33) , at least two independent electrodes (35) and (37) associated with first substrate (31) , an independent counter-electrode (39) associated with second substrate (33) , wherein each respective electrode is connected to an independently controllable voltage source (36), display device having means for controlling the voltage applied to each respective electrode for producing non-uniform electric fields in each pixel (column 12, lines 46-59, column 12, lines 63-67). However, Kovacs discloses all of the claimed limitations except a polyelectrochromic material and switching the polyelectrochromic material from a first color state to a second color state for generating an area ratio defined pixel color state. However, Kovacs discloses, an electrochromic material such as a transition metal complex, a phthalocanine, an anthraquinone or any other suitable material (column 12, lines 55-57) and Kovacs further discloses thin film 41 posses a red color and filters out light from all portions of the visible spectrum except for red light, which is permitted to pass through the film , shown by arrows 42 and white light selectively filtered by thin film 41 (column 13, lines 6-15).

It would have been obvious to one ordinary skill in the art at the time the invention was made to provide an electrochromic material such as a transition material or any other suitable material and thin film in a display device for the purpose of the production of electrographic images as taught by Kovacs (column 6, lines 23-25).

Regarding claim 2, Kovacs discloses, wherein display device further has means for controlling the time during which voltage (36) is applied to each respective electrode column 12, lines 65-67).

Regarding claim 3, Kovacs discloses (refer to figure 4) wherein display device further has means for controlling the voltage (36) applied to each respective electrode 35 and 37) of the pixel when in the second color state to cause a reset from the second color state to the first color state (column 12, lines 63-68, column 13, lines 1-22).

Regarding claim 4, Kovacs discloses, wherein display device further has memory storage for storing a previously generated color state (column 13, lines 6-22).

Regarding claim 5, Kovacs discloses, wherein display device further has means for comparing a color state to be achieved with a previously generated color state (column 13, lines 6-22).

Regarding claim 6, Kovacs discloses, wherein display device further has means for determining the required potential to be applied to each respective electrode in order to reach a desired color state (column 13, lines 6-22).

Regarding claim 7, Kovacs et al discloses (refer to figure 4) a method for generating analog color state in a pixel display device: a first substrate (31), a second substrate (33), the first substrate (31) and the second substrate (33), at least two independent electrodes (35) and (37) associated with first substrate (31), an independent counter-electrode (39) associated with second substrate (33), wherein each respective electrode is connected to an independently controllable voltage source (36), means for controlling the voltage applied to each respective electrode for producing non-uniform electric fields in each pixel (column 12, lines 46-59, column 12, lines 63-67). However, Kovacs discloses all of the claimed limitations except a polyelectrochromic material and switching the polyelectrochromic material from a first

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color state to a second color state for generating an area ratio defined pixel color state. However, Kovacs discloses, an electrochromic material such as a transition metal complex, a phthalocanine, an anthraquinone or any other suitable material (column 12, lines 55-57) and Kovacs further discloses thin film 41 posses a red color and filters out light from all portions of the visible spectrum except for red light, which is permitted to pass through the film, shown by arrows 42 and white light selectively filtered by thin film 41 (column 13, lines 6-15).

Regarding claim 8, Kovacs discloses, wherein display device further has means for controlling the time during which voltage (36) is applied to each respective electrode (column 12, lines 65-67).

Regarding claim 9, Kovacs discloses, further comprising the steps of: providing memory storage for storing a previously generated color state, providing means for comparing a color state to be achieved with a previously generated color state, means for determining the required potential to be applied to each respective electrode in order to reach a desired color state (column 13, lines 6-22).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest reference Kubo et al (6,118,573) discloses an electrode for electrochromic device and a plurality of capacitive members arranged on the substrate.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MH
May 22, 2006


RICKY MACK
SUPERVISORY PATENT EXAMINER